## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )						
	Plaintiff,	) 8:11CR53 )				
	vs.	) DETENTION ORDER				
IGI	NACIO RUBIO HERNANDEZ,					
	Defendant.	<b>'</b>				
A.	Order For Detention  After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on March 4, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	Statement Of Reasons For The Detention  The Court orders the defendant's detention because it finds:  X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.  X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.					
C.	contained in the Pretrial Services Report,  X (1) Nature and circumstances of th  X (a) The crime: a conspirate distribute methampheta 846 and the possession (Count VI) in violation minimum sentence of fire forty years imprisonment (b) The offense is a crime of (c) The offense involves a result of the contained	ne offense charged: by to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § with intent to distribute methamphetamine of 21 U.S.C. § 841(a)(1) both carry a ve years imprisonment and a maximum of t.  of violence.				
	may affect when the defendant of the def	appears to have a mental condition which ther the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. s not a long time resident of the community does not have any significant community. The defendant: has a history relating to drug abuse. has a significant prior criminal record. has a prior record of failure to appear at				

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		(b)	F	ne of the current arrest, the defendant was on:  Probation
			F	Parole Release pending trial, sentence, appeal or completion of sentence.
		(c)		The defendant is an illegal alien and is subject to deportation.
				The defendant is a legal alien and will be subject to
			<u>X</u> (	deportation if convicted. The Bureau of Immigration and Custom Enforcement BICE) has placed a detainer with the U.S. Marshal. Other:
X	(4)	releas	se are as fo	d seriousness of the danger posed by the defendant's ollows: The nature of the charges in the Indictment and the
		defen	dant's crin	ninal history.
Χ	(5)			sumptions
				nat the defendant should be detained, the Court also relied
				g rebuttable presumption(s) contained in 18 U.S.C. § ne Court finds the defendant has not rebutted:
	X			condition or combination of conditions will reasonably
				e appearance of the defendant as required and the safety
				ner person and the community because the Court finds that involves:
				1) A crime of violence; or
				2) An offense for which the maximum penalty is life
				imprisonment or death; or
			<u>X</u> (	3) A controlled substance violation which has a maximum penalty of 10 years or more; or
			(	4) A felony after the defendant had been convicted of two
				or more prior offenses described in (1) through (3)
				above, and the defendant has a prior conviction for
				one of the crimes mentioned in (1) through (3) above which is less than five years old and which was
				committed while the defendant was on pretrial release.
	X	(b)		condition or combination of conditions will reasonably
				e appearance of the defendant as required and the safety
				mmunity because the Court finds that there is probable
			cause to X	1) That the defendant has committed a controlled
				substance violation which has a maximum penalty of
				10 years or more.
			(	2) That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment
				if committed by the use of a deadly or dangerous
				weapon or device).

D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:
 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: March 4, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge